

IMMEDIATE ABOLITION OF SLAVERY

BY

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ACT OF CONGRESS.



SPEECH

OF

Hon. E. GRATZ BROWN, of Missouri

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"REVOLUTIONS NEVER GO BACKWARD."

S P E E C H .

The following additional sections were offered by Mr. Brown by way of amendment to the bill (Senate No. 41) to promote enlistments in the Army of the United States:

"SEC. 3. *And be it further enacted*, That the proclamation of the President of January 1, 1863, declaring all persons held as slaves in certain designated States and parts of States then in rebellion against the Government of the United States to be thereafter free, be, and the same is hereby, confirmed and made of full effect as law; and courts of justice are required to recognize the same, and all persons declared to be free by the said proclamation, or by this act or any subsequent act of Congress, shall be entitled to sue and be sued and give evidence in all courts of justice as other citizens.

SEC. 4. *And be it further enacted*, That from and after the passage of this act there shall be neither slavery nor involuntary servitude in any of the States or Territories of the United States otherwise than in punishment for crime, whereof the party shall have been duly convicted, any law, usage, custom, or claim to the contrary notwithstanding; but all persons shall be held to be born free."

Mr. BROWN said:

MR. PRESIDENT, that slavery yet liveth the discussion which has attended every measure introduced here trenching upon it sufficiently attests. Neither dead nor willing to die, but struggling for being by joint and ligature and tissue and nerve, that some center of future growth may lurk under proviso or exception, its vitality is upheld in this hour by appeal to the same constitutionalisms and local countenance that will be swift to maintain it hereafter if this epoch shall pass without its utter extinction.

Under such conviction, and resolute to permit no fit occasion for terminating its existence to go unimproved, the sections just read have been offered—sections assuring freedom not only, as set forth in the original bill, to the mother or wife or child of those colored soldiers who may venture life in defense of *your* homes, for as yet *they* have no homes; freedom not only to all those claimed as slaves and heretofore resident in the districts declared to be in rebellion and embraced in the proclamation of January, 1, 1863; but freedom to all those now held in bondage, without distinction of State or Territory, throughout the whole land, and as supreme law of this nation, enacted by virtue of that power which resides in the Congress of the United States to maintain the Government and preserve the liberties of the people.

The question of authority in Congress to legislate on this subject carries with it the minor ones of extent, expediency, and necessity; for its discretion is absolute, and not subject to revision. Those who recognize the right, therefore, to declare the absolute freedom of such as are claimed for service by disloyal persons, or the freedom of those taking up arms for the Government of the United States, or the freedom of those escaping within the lines of the Army, must concede the full power to pass an act of abolition as a war measure, or as a measure essential to the future security of the country against war. For it will not be found possible to establish any line of demarcation, sustained by right, that shall apply to a part and not to the whole, that shall regard them in relation to one person as "captives of war," and treat them in relation to another as "chattels;" that shall justify manumission where our armies are met, and forbid it where they are or have been. All these human beings, confirmed thus in their inalienable rights of freedom, are not property which the Government is taking for its own use, and to which it thereby acquires a title of ownership, but it is institutions and customs and claims and ancient wrongs grown intolerable, that we blot

slavery and emancipation, Congress may sustain the institution by war, or perhaps abolish it by treaties of peace; but they will not only possess the constitutional power so to interfere, but they will be bound in duty to do it by the express provisions of the Constitution itself. From the instant the slaveholding States become the theatre of war, civil, servile, or foreign, from that instant the war powers of Congress extend to interference with the institution of slavery in every way by which it can be interfered with." * * * "With a call to keep down slaves in an insurrection and a civil war comes full and plenary power to this House and the Senate over the whole subject. It is a war power. Whether it be a war of invasion or a war of insurrection, Congress has power to carry on the war, and must carry it on according to the laws of war; and by the laws of war an invaded country has all its laws and municipal institutions swept by the board, and martial law takes the place of them. *This power in Congress* has, perhaps, never been called into exercise under the present Constitution of the United States."—*Speeches of J. Q. Adams, 1836-1842.*

It will thus appear that both the elder and later interpretations of the Constitution unite in recognizing this war power as existing in Congress and the Executive, and it only remains to set forth that under such exercise and by virtue of the received law which controls it, the subject-matter here claimed for its action is fully embraced therein. Many references to received authorities might be made on this point, for it is one very well attested; but a single quotation will suffice to exemplify the spirit of them all. Thus Vattel says:

"It has been observed (§ 196) that we may be obliged, if not externally, yet in conscience and by the laws of equity, to restore to a third party the booty we have recovered out of the hands of an enemy who had taken it from him in an unjust war. The obligation is more certain and more extensive with regard to a people whom our enemy had unjustly oppressed. For people thus spoiled of their liberty never renounce the hope of recovering it. If they have not voluntarily incorporated themselves with the State by which they have been subdued, if they have not freely aided her in the war against us, we certainly ought so to use our victory as not merely to give them a new master, but to break their chains. To deliver an oppressed people is a noble fruit of victory; it is a valuable advantage gained thus to acquire a faithful friend. The canton of Schweitz, having wrested the country of Glaris from the house of Austria, restored the inhabitants to their former liberties; and Glaris, admitted to the Helvetic confederacy, formed the sixth canton."—*Vattel's Laws of Nations*, book page 391, side page 392.

Again, it will be observed that intrinsically the proposition to abolish slavery by constitutional amendment, and this to abolish it by act of Congress, do not differ as to the effect upon alleged right of property in slaves. No one proposes to make compensation in connection with constitutional amendment, so that the deprivation is the same in the one case as the other. It is only a question, then, which may be stated thus: can we get at the deprivation both ways? Assuredly we can, because the power to deal with the question both ways resides with us—to deal summarily under the war powers so called, or by constitutional amendment.

As an original question, the right of property in man cannot be successfully maintained, and they who contend for it here now in deference to alleged constitutional obligations, will find themselves constantly embarrassed and involved in contradictions of thought and reasoning until they shall utterly discard it. Rights of property do not originate in constitutions; they are anterior to them. Right of property is but another name for the natural right of each one to enjoy the fruit of his own labor, and in its very inception repels and precludes the idea of slavery. It is simply idle, then, to claim such property in human beings and quote the Constitution as conferring the title, or to rely upon its guarantees, if any such could be truly inferred from its clauses, as an inviolable protection for such claim, when it so clearly confers the power to dispense with even still higher guarantees of personal liberty in maintaining the Government.

The rigid argument in behalf of this power best states itself in the imperiled condition of the country. Every battle-field is an annotation full of meaning, every soldier's grave a link in the chain of evidence. Slavery, containing in itself that antagonism to free institutions which predetermined its appeal to arms in hostility to the national thought and the national being, must perish to make assured any ending both of present conflict and future convulsion; and slavery in a State semi-loyal or neutral, under this consideration, is just as fatal to our national existence as in a State in open rebellion. The exceptional condition of professedly loyal claimants here and there cannot, in this grave conjuncture of affairs, be permitted to control our decision and operate to extend the tenure of slaveholding; for it is from the inherent impossibility

of assimilating that system with our free Republic in any state, owing to its violation of human rights, that the supreme reason for direct abolition originates. The outcome of a moral wrong, fostered and encouraged in the social state, is seen in the calamities of to-day. That such calamities may not attach to any other day; that the Republic may be rid of a disease which has brought it nigh to death; that the struggle may be forever ended with those who have taken up arms to make permanent the institution of slavery; and that the American people may repose in undisturbed security, free, prosperous, and cohesive, are the cumulative necessities that impel us now to pass a direct act of universal freedom.

But why should we hesitate? It is an advance, not a reaction. It is the first step toward those great destinies which await us, if only we be true. Do we prefer to go back into the past with its dismays and corruptions and terrible retributions, or go forth into the future of hope and faith and achievement? Let us rather contemplate the full measure of that vast change of which this is but a beginning, and realizing somewhat the spirit of the age upon which we are entering, look therein for other and convincing reasons to assure us that the demand for this action is not premature, but a well-considered wisdom; that it is not isolated and optional, but connected with still larger and impending issues.

To do so, however, to note the march of these times, it will require that we disabuse our speech of much of the phraseology that gives false seeming to events around us. Thus the terms *rebellion*, used to designate this conflict, *unionism*, in varied inflections, chosen to generalize our future, and *reconstruction*, largely adopted to signify projected modes of arrangement, are all half phrases, taking their meaning from obsolete rather than existing attitudes, and afford no correct idea of this era or its ending. Rebellion may be well applied to denote mere resistance forcibly of a part of our people to the national thought: but when employed to convey a comprehension of and give a name for this great progression and conflict, that reaches for its origin far back into anti-slavery agitation, and looks forth for its consummation far forward to the new time, it becomes totally devoid of aptness or significance. The rebellion is but an incident in the protracted struggle, covers only the idea of appeal to force, and measures not that moral flood-tide that surges on this great movement. As well characterize the events of France of '89 by the resistance of La Vendée, or the birth and growth of the English Commonwealth by the reduction of Ireland, as gauge the meaning of this conflict by such a formula of language. And so of unionisms; those pliant, fearful, mock-modest attempts to cover up these giant, gaunt, naked facts, that are stalking about in the daylight, with the gum-elastic garments of old-time political drapery. The simple unities of the former state unrelated to rights or wrongs, what do they signify now? They are as passionless as algebraic equations, as vain as mythologies. Who cares for the Union of the past—a Union fraught with seeds of destruction—bitter with humiliations and disappointments? Who believes in the grief of these hired mourners, so lachrymose before the world? They are not even self-deceived. It is likewise with reconstruction—a free masonry that imagines it has only blocks and stones to deal with, or a child's play, that would build up as they have tumbled down its card-castles, putting affably the court cards on top again. Foolish craftsmen, seeing not that it is the life arteries and the thews and the sinews of a nation's being that are dealt with, and that it must be regeneration or death.

The supreme truth of our time is this: that it is a revolution in whose whirls we are eddying and with whose currents we have to contend; a revolution the grandest ever yet essayed by man, and destined to give its watchword to other lands and peoples; a revolution in all its great outlines of enkindled faith, of continued development, of overturned thralldoms, of liberated hope. The strata of this nation's sediment and coldness and oppression has been broken through. Human nature once more, by the grace of God, has become volcanic and eruptive, and the precious truths of freedom and fraternity are welling up from their deep foundations away below the defacements of men. It is a revolution full of promise. What if its inceptions were of the feeblest, What if the small threads of its gathering can only be traced or identified by that most microscopic of all glasses, personal vanity? The origin was. The movement came from us and of us, asserting itself in divers ways, but chief of all in the overthrow of slavery ethics, increasing in volume as people became aroused to the peril of national courses, possessing itself first of prisons and then of pulpits and then of platforms, becoming at length the embodied national will—an assured revolution. And in the great transition from the old to the new, let all friends of freedom realize the entire truth and accept a full responsibility by acknowledging now, as we shall be proud to acknowledge hereafter, that in this flowing on we are the movement, in this going forward we are the progression, in all this change and alteration and accomplishment we are the revolution.

The receiving such a comprehension of our present convulsions is important far beyond the niceties of language, going as it does straightway to consult the elements that are at work, preparing us in advance for a celerity of events and a larger scope of transition not possible under other social condition. And whither does it all tend, this rush of action, this displacement of ideas, these swift affiliations? It would be only the part of presumption—a foolish presumption in the highest wisdom—to claim a foreknowledge of such in its entirety and orb'd completion; but yet the humblest of those who with earnest endeavor shall seek to know what manifestations there are of things to come will not labor altogether in vain. There are striking indications that point out, if they do not determine, the ending. There are vaguely outlined groupings that shape themselves into more definite forms as they are scrutinized. Especially are there three great central ideas, raying forth into the darkness of the future their broad beams of light, and illuminating the paths that are to be trodden by this people in their "marching on"—three impending necessities as it were, distinct yet related, which may be set forth as, *first*, a realization and establishment in truth and not merely in name of absolute freedom policies throughout the whole land; *second*, the building up from its sure foundations of a nationality that shall represent the aspirations of the whole people for a democratic unity; and, *third*, the conforming of our Government, in its administration as in its recognitions, to those divine truths that go to constitute and inspire a devout Christian State holding itself "as ever in the great Taskmaster's eye."

I. Let us consider the first of these necessities. What are the requirements at our hands that we may be true to that behest? If the end in view be conceded, is there any latitude or choice as to the means, any room for experiments touching liberties?

Without doubt the abolition of slavery throughout all the States of this Union by general statute such as now proposed must be the initial measure to any freedom policies reposing on national authority as their guarantee; for until the slave code shall be thus canceled in fact no constitutional amendment covering that ground will ever be had. It must be confessed, moreover, that even such enactment will not complete the establishment of popular liberties over all the territory where it is received as law. It will end and determine the form, the name, and pledge the national power to maintain the act, but somewhat more and after that becomes imperative to do away with the substance. Has it not been a favorite taunt of the oligarchs that there was white slavery as well as black slavery? And there was truth in the assertion. Indeed, acute minds have not been wanting to convert the fact into an argument, and defend the enslavement of the African by direct force because of the alleged enslavement through social distortions of the Scandinavian or the Saxon or the Celt. While such reasoning is false and sinister, yet it will not be controverted that many of the worst features of slavery may exist where the badge itself does not obtain. Will any one affirm that Connecticut, which exhibits such intolerance for the foreign born, or that Illinois, which is disgraced with a black code revolting to all sense of justice, can claim to be regarded as free States? With equal truth may it be said also that much of the white population of Europe in densely crowded districts, where an inexorable ledger, with its profit and loss account, rules the hour, come under conditions that render them intrinsically enslaved, while, to a still greater extent, the nominally free white population of the largely slave-breeding and slave-holding sections of our country have all along been reduced to a dependence for which even the name of liberty could not atone. An enlarged policy of freedom, such as that now asserting itself throughout this land, will not fail to take note of such phantasms, such simulations, such diseased condition, and while striking at slavery in name and estate, will see to it that it will be the reality, and not the image that goes down. Especially, therefore, does it devolve on those who control to take heed, having proclaimed a free society as the type of the future, so to order regeneration, and so to foster new growths, and so to adjust the relations of conquered States, internal as well as external, that slavery shall no longer be a synonym of labor, and labor no longer the equivalent of slavery. It would be folly, abjectest recreancy, an utter perversion of the holy uses of the blood and treasure of the nation so lavishly poured out, to act otherwise, to do aught less than this.

And here let it be reflected that they who are so swift to put back the old forms in the old places simply to bring about the old relations to the national Government, either have no conception of the conditions and environment with which slavery maintains itself, or else they are false to the principle and the faith to compass selfish ends. Unless this freedom work be well done it will not be done at all, for slavery will return to power along with its masters. It will have no difficulty to find names under which to mask itself, or politicians to pay court to it, or money-lenders to buy it an amnesty. Take the illustration afforded of this fact in Missouri, and see how tragic has been the

anti-slavery struggle there, even with a large majority of the people pledged to freedom. The State stands to-day resold into slavery for another year to accomplish a political negotiation. The misrule of the past, the sway of unsympathizing generals, the upholding of pro-slavery State organization, the persecution of the loyal element, and the arming of the disloyal element, find a natural outgrowth in a miserable bargain to postpone a constitutional convention, concoct an alliance between official power and re-actionary sentiment, and enunciate a bogus presidential preference.

What, then, is the problem with which dealings must be had in this essential work of making solid the national policies in the sections occupied, and to be occupied, by our arms? The organisms of peace must flow out of the rights of war, and in so far forth the national authority is disembarassed in its operations by restraints that might intervene in ordinary times.

Four million whites and three million blacks will represent with sufficient accuracy the entire population, a population intermixed and dwelling together heretofore under laws declaring the blacks a servile laboring class, and conditions that render two-thirds of the whites a dependent, helpless class: the land all held by a few thousand owners, who claimed to be a ruling class socially, morally, and politically. War, as has been said, has loosened all the joints of that structure. Rights of property forfeited, estates abandoned by rebel whites and held by loyal blacks, distinction of classes broken down in the destruction of all society, laws of vassalage suspended by the proclamations of freedom and the conscription of armies, it remains only to impose, under protection of the military arm, a new civilization that shall accord with the life of our Republic, and that shall carry along with it guarantees against any revival of the old state whose concluding was so much of disaster. Codes to secure the liberties of all under the law are therefore antecedent necessities, codes that must be ratified and come up from below as well as codes that must be enacted and come down from above—the double affirmation of the new attitude of freedom by local and Federal authority, a joint initiative of support and protection. It has been the boast of some that the courts can make laws by interpretation. Hence, nothing that can contribute to foreclose any latitude of construction in this behalf should be omitted. A triple wall of accomplished facts, of statutes that reflect things done, of codes that embody completions, of constitutions reconstituted, must be built up around an immured judiciary. In any re-entry on political life it must be paramount and primary that such organic recognition of freedom as the higher law shall precede all other exercise of civil functions; must precede it as the only sufficient assurance that the law of the locality is in accord with the law of the nation. Hence the duty imposed here and now, both to declare such as the universal public law of this land and to require that it be declared likewise in advance as the constitutional basis of any of those societies heretofore or now in revolt. There must be an asylum for questioned liberty opened in every tribunal and under every commission, whether Federal or State, that shall sit in judgment or wield power,

The preliminary step, moreover, in any political reassertion of the State, and any reorganization of its social forms, must be in the nature of a primary convention; otherwise the hope or fear of reaction always intervenes to demoralize provisional government. The question of freedom is in reality, however denied in proclamation, remitted from its attitude of being an achieved military result, to become the sport of parties and factions and intrigues—worn as a cloak by the side most ambitious of office while leaning to slavery—openly and earnestly demanded by unselfish advocates, who care not for the spoils of the conflict. In this unequal strife freedom suffers, and the mockery of freedom too often triumphs. The lukewarm, the insincere, the hostile become the guardians of the incipient regeneration, and if they do not blast all its hope, it will only be because, born of timidity, they prefer to compromise with inaction rather than risk a conflict. Any policy of administration, therefore, which shall conduce to this latter result will be in substance a reaction, and hostile to the maintenance of freedom policies in the slave States. It matters not under what title or what auspices it may be inaugurated, its results will be speedily seen in official and political manipulation, in an enginery set at work to accomplish selfish ends rather than the true object of emancipation from the usages as well as laws of slavery. Take, however, the initiative of freedom as a result predetermined, organize a constitutional convention to conform organic law to that attitude, exclude parties from constructing themselves on any doubts of that consummation, and there will be little inducement subsequently to its questioning if upheld by wise national dealings in its furtherance and support.

Thus, of all this inorganic mass of population to be reorganized, nearly half will stand pledged to loyalty by virtue of emancipation. Of the residue, those loyal at the outset, and others gradually lapsing into loyalty as they recognize the interests of labor to be coincident with the establishment of freedom, multitudes of the former non-

slaveholding people will become reliable elements of a new growth and a new socialism under such political readjustment as has just been recited. In this adaptation, however, four million laborers must be guaranteed not merely the abstract title and name of freedmen, but its substance in the shape of military organization and the right of homesteads upon abandoned estates. Confiscation must do its work toward reorganization. The land all held in mortmain, as it were, entailed upon slavery, what but slavery can ensue? The conditions of such ownership foreordain such servitudes, as is evidenced by the peonage of Mexico or the vassalage just abolished in Russia. Deprived of homes, yet granted liberties, what can you hope but three million freedmen will fall under disorderly conditions if you open no avenue to permanent and prosperous settlement? The policy of small freeholds must be initiated to enable freedom to maintain itself. Slavery in its artificial development at the South monopolized the land, and thus left no stand-point from which to challenge its existence. You must undo its work. This is necessary, because it is upon the subdivision of lands, the small freeholds, the multiplied homesteads, that the support of religion and education, the church and the school-house, must hereafter rest. It is idle, nay, it is criminal to halt in taking this step under the plea that it may work destitution to the few. You have already millions of the destitute to provide for, and this is your only present resource. Is not the landed property of the rebels already confiscated by refusal to pay any tax to the support of this war? Shall the plantations of the slave masters alone have immunity and exemption when the home of every loyal workman is laid under contribution? Destitution is a hard word, but when slavery went to war it put its estates at the venture; and the abolition of slavery carries with it the overthrow of that monopoly on which it reposed and grew strong. How long would it take the slave power to resume its sway in Louisiana if to-day reinstated in the control of abandoned plantations where the freedmen are yet held in bondage under a military provost marshal system; where they are penned up and excluded from the light of knowledge, or association, or converse; where it is difficult to detect any change of condition, only a change of owners? Does the master's dole, in the shape of wages, with none of the perquisites of free action or free migration, constitute a policy on which you dare to repose the future of freedom at the South? All this is but a counterfeit freedom, reaction in disguise, in that worst of all disguises, a military disguise. It is reaction so organized as to require but amnesty to make it slavery.

Codes and confiscations and commerce are marching in the rear of our armies demanding to be set up in authority to restore what has been destroyed, and make new bases for other advances. The eagerness with which trade rushes forward to supply wants, renew distributions, gather in agencies, and make sale of estates, crops, luxuries, titles, franchises, claims, goes to show how much it is needed as precursor not as afterthought of reorganization. Trade, the great leveler and builder, the colonizer of empires and the pioneer of civilization, needs encouragements there, and not restriction. The cordon of non-intercourse should be along your military front. Behind your Army lines it should be as free as the winds, to carry forward rapidly the elements of new population or enterprise and to knit together by other interests and ties the torn relations of labor to capital. The blockades of the ocean have no place on the land, for the sea has no tenements, but conquered territory you wish to make your own. Is it not true that in Tennessee, Mississippi, and Arkansas the only points that give sign of a saving vitality are those where, in defiance of paper edicts, commerce has forced an establishment? What, then, may not be hoped from entire abrogation of all such embargo? To-day the free men who have sought your permits would have reentered up to the lines of occupation if invited and protected and fostered and domiciled. Traffic would have given hand to production; redistribution would have confirmed industry; labor would have prevented scarcity; the needs of self-defense would have supplied military organization; and thus incipient communities sprung out of freedom and loyalty would have been preparing to renew the State. The policy of setting up a Chinese wall of exclusion under the name of regulation, that shall parcel out to speculation the dealings and growths and regenerations of recovered territory, is one calculated to postpone rather than hasten the end, to reserve the lands for reoccupation of the men of the rebellion, and the avocations and employments of interchange for the control of a revived hostile sentiment. Such precarious chances make the most desperate and avaricious the forerunners of your social adjustment, rather than those moved by legitimate and patriotic impulses. This is an unwise and fatal system. In fact, in the very light of its failure you read the way to success.

The regeneration of the slaveholding sections demanded by this revolution, which bears onward a free people to a free future, as has been remarked, must be thorough and substantial, not a makeshift, a cheatery, or a sham. Nothing other or less will

answer the demand. Rebuilding of the political structure, too, must proceed under the guardianship of congenial national authority through authentic law and its safeguards, and not pell-mell under the auspices of amnesty proclamations. The invitation back in such hurried wise of the slave masters to their old estate in the body-politic if they will only swear fealty to the future decisions of a Supreme Court, is to give them present control of whatsoever loyal population may have shown itself, upon contingencies of an oath they have been swift to violate heretofore. Restored to favor they will next ask to be armed; and once armed they will, by militia systems, seek to disarm those who have opposed them, and hostilities will become chronic and exasperating. No better illustration of the results of such conservative policy can be cited than that afforded in my own State. More than a year ago an officer was detailed there to look up the evidences of subsequent disloyalty on the part of those who had availed themselves of amnesty under the cheap process of bond and oath. In a brief time he gathered more than *three million dollars* of forfeited bonds, and asked permission to proceed upon them. It is scarcely necessary to add that the authority was refused, the officer remanded to his regiment in the field, and a new amnesty invites back the same rebel oath-takers to resume their political rights and assist to rule over us.

Rest assured it is not such sinister courses, such shirking of responsibility, such balancing between loyalty and disloyalty, that can be tolerated, either in theory or in practice, in speech or in administration, if we seek success in this war, and success commensurate with its cost. The policies of freedom are blended inseparably with the policies of war, and irresolution or untruthfulness in the one are sure to cause defeats and reverses in the other. Thus if the Government, false to its mission, simply enters upon the mastery and control of the slave population in the stead of their original claimants; if, ignoring true, substantial liberty in the freedmen, it shall bind them over under a Coolie provost marshalship, as rigid in its control as the slave code; if, refusing to confiscate abandoned plantations, it shall merely retain them or re-let them under a transient lease, while the labor of whole sections is without homesteads to attach it to new modes of life and industry; if it shall persist in excluding by trade regulations the loyal migrations of the free States eager to enter upon settlement or traffic or production or creating wealth in its varied shapes; if it shall persist in inviting back to resume arms and franchises and ownerships and social control those in sympathy with the rebellion, with no better securities against reactions and subjugations of loyalty, and re-enslavement under new names, than it had against rebellion in the first instance—what but military failure can ensue? Armies thrown back have no supports, long lines of communications are exposed to danger with none to give notice of its approach, and each campaign has in addition to the exigencies of active service to people with its armies all the conquests gone before. Another result of such policies is that it will rapidly place in antagonism to all such administration those of the population whose loyalty is most signalized by their devotion to freedom. They will detect the counterfeit promptly, and see their own doom written in its success. They will understand that such a reconstruction, such a placing of the court cards on top again, may be very conservative to all seeming, very generous to rebels, but is death to loyal citizens. They will know that such freedom means slavery under new conditions and names, and that when Federal authority is withdrawn no consideration will be extended to them. The result will be to bring the administration of the Government into more or less affiliation with the enemies of freedom and progress, and to prepare the way for compromise with rebellion. But the thought of this people—that thought which is enshrined in their progress—will bear with no such outcome. The future of this Republic will never be permitted to repose on the oaths of those who have already violated the most sacred compacts. On the contrary, the ending must be a conquest, not a compromise. The policies of freedom must be ingrained into the new life of the heretofore enslaved sections by methods as deliberate as they are to be irresistible; with a warm sympathy, an unrelaxed vigor, and a decision that knows no faltering.

II. The second marked characteristic in the great progress which is swelling forward, over-turning old modes of thought, conscripting constitutions, and remodeling the functions of government, is an enkindled nationality. Out of the very burning and fire-froth of sectionalism springs the ideal of a true nation. The supreme democracy, which has been smothered under names and parties and cunning issues, has in these disturbed times recognized itself, and demands as its exponent a political form co-extensive with the country and imperial as itself. It does not need to tread back into the old exploded days to tell how unalterably the slave system that stained our name and wrecked our Federal unity has ever held in dread the undefiled democratic principle; how it has sought under a like nomenclature to palm off something other in its stead; how it has labored to divert it into other channels of foreign conquest rather

than home assertion; how it has manacled it with chains of local organization and demoralized it with the spoils of office. The recorded debates of this Senate will show far back how such fear ever haunted those leaders who have now taken a last appeal from democracy to war. At the point where rebellion began they recognized perfectly that if they were to preserve intact the slave system from being obliterated by the progress of a plebeian public will, it must be done by resort to violence and terror. They chose that resort deliberately, not foolishly, and stood to it with conviction and courage. It was the irrepressible conflict. And the antagonism is manifest now in the throes of an unparalleled struggle still more than in the plastic days of peace; for with them development has shaped their slavery into confederate despotism, while here revolution uprises into nationality. The latent sympathy of this American people, the feeling of brotherhood, the need of unity, at length demands and will have clear, emphatic type as a nation. How else can we construe this so rapid resumption of sovereign right in all departments of the Government? Drawing a sustenance no longer from the customs but from the firesides, substituting national paper-credits for all other currencies, levying armies direct by conscriptions, not remotely by contingents, organizing vast industries, mortgaging the next age to its debt, and enforcing its laws as highest law even in matters of personal liberty—these are but as outer garments of an inner form already instinct with life. Nor is this a completion. So much has been realized, while in the future still more impends. The industrial relations of reconquered territories, inauguration of majestic commercial ways, settlements affecting multitudes of people, and vast undeveloped wealth, are in its hands. Again, consider the changed relation of heretofore self-styled sovereign States. Much has been said during the shadowing forth of this new phase of our political life of the "suicide of States," and in groping down into the rubbish of the time it has been deemed needful to affix names and hypotheses to ascertained results. But what needs? That no authority has been asked or resistance heeded from any State in enforcing national policies is literally true, and that such enforcement is inconsistent with any recognized vitality in State organization other than a strictly subordinate one, none will controvert. Call it, then, suicide or subordination, the implication is the same. Indeed, it is realized on every side that what was heretofore held up as "State," with assumption of a coequal or antagonistic control as such, is gone down in the mighty tread of this people marching on to deliverance. Commonwealths may exist, may be revived, may do functional work, may co-operate in subordinate orbits, but their so-called sovereignty assuredly is suicided. State sovereignty, the leash sought to be put on the democracy of the nation; State sovereignty, the banner of the oligarchs in the war on freedom; State sovereignty, the archetype of disunion and disintegration, has become a myth and a fable, and in the stead of its many idols there shines forth the one splendor and power of a national sovereignty foreordained to conquest. Such is the outgrowth. Substantially it is the expression in advance of that which is to follow in due time by its appointed courses—the Continental Republic. It is the highest type of nationality, bounded by no fixed frontier of impassable prejudice, but representative of whoever may assimilate under its standard; for while European rulers are seeking to bolster themselves with nativeisms, and to render synonymous nationalities and races, it is ours to assert the larger and truer nationality of free principles and free men. Nor does this connect simply with geographical progress or endanger compactness of guidance and control; for as its birth is from the people, so will it reflect their positioning. Democracy is its parent—democracy that asserts and recognizes itself again in the lusty turmoil of our great commotions—and democracy means numbers, and numbers govern from the centre outward, and not jug-handle-wise from any remote source. Thus we see, and the fact is significant, in the vast impulses given to freedom policies, war policies, and national policies in the great Basin of the Mississippi, with its fifteen millions of population, new illustration of the democratic force and faith of the people. Go forward furthermore, make dense that population, intensify the life of the recovered States, enumerate fifty millions rather than fifteen millions, and consider of the result. Power there, government there, democratic organism there, reposing on rural and industrial masses, will abjure the monarchies of special interests that have sat around the edges clutching at control, and coerce the Republic into healthy action throughout.

Originating thus, this new development of a national unity will require no after-molding to make it representative in its promptings. It will be a form of organized popular thought that will dictate to Cabinets and Administrations other policies than those of this hour; that will look outward as well as inward, and if it accept its mission of a Continental Republic will be prompt to recognize the antagonisms erecting beyond and around us, no less than the incongruities abolishing within our present confines.

Be sure it will prove no respecter of a diplomatic connection that looks ever backward and never forward; that multiplies its ambassadors and its plenipotentiaries, tailed out a hundred-fold by suites and attaches, and numberless commercial agents, to connect a shipping interest with twenty million artisans of Europe; but apologizes through a couple of ministers and half a dozen consuls for its failure to unite our vast production and manufacture with the three hundred million machineless consumers around the Pacific circle. Be sure likewise it will not fail to note and resent the intrusion of transatlantic monarchies to crush out a republic in Mexico, seize on the islands of the Gulf, and fortify a thousand miles of sea-coast threatening the line of our interoceanic communication. France, Spain, England, a triple alliance, eager and watchful for the death of discordant belligerent States, will have to confront for their conquests a nation rising as a phoenix, writing Freedom on its flag, and fraternizing with liberty in all lands.

And with equal if not still greater scrutiny will the new-born aspiration for national life look within to shape the expression and the correlations on which its future must repose. The fact that we have never been a nation heretofore, that in three quarters of a century we have achieved no individuality, that our civilization has been insignificant and transient and barren, only sharpens the zest for a future of enduring accomplishment. That such a future cannot be predicated on distinctions of race, on subordination of classes, on the accidents of lineage or tongue or clime, neither upon enslavement in any name of wealth or caste or condition—all this is certain, for it has been tried and failed; has once been inoculated into the system to cure our social disease, but instead of healing has run into this putrid eruption that threatens with anarchic death. That new life must be founded on assimilations, not antagonisms, on an ingrown unity, not irreconcilable contradiction. The lowly must be exalted, the depressed raised up, the ignorant educated, the slave freed, the chattel humanized, and a democratic equality before the law obtain for all men. The people must have fraternity as well as solidarity; each must be a multiple of the whole. Just now amalgamation is the ghost in grave-clothes that walks to terrify and affright, as if the very nation were not already an amalgam of all peoples, as if for generations heretofore there had not been this same dwelling together side by side that is to be hereafter. Slavery feared not amalgamation; shall Freedom then be a greater coward? Neither skins, nor colors, nor castes can determine here. The body-politic that shall sustain such nationality as ours is foreordained to be must furthermore absorb all increments as they come, and not require an anaconda torpor of five or seven or twenty years to determine the natural rights of man, his right to be one in any aggregate of many. All such limitation on citizenship will pass away under attrition of growth. The open door of the Republic will invite the oppressed of every land to seek asylum and enter upon the enjoyment of liberty. Impartial justice will stand ready to succor and to aid all who shall appeal from wrong or violence or intimidation. And that grand future of democratic unity will arrive when our people of all lineage and every type shall meet on the plane of equal rights to attest a nationality that will stand out a waymark to the centuries.

III. The third and completing symbol of the outcome of these times will be found to indicate the instauration here of Christian Government, founded upon, in dwelling with, and springing out of the divine justices—Government recognizing that in the affairs of nations, as in those of individuals, there is one equality that comes of the equality of creation, there is one right, avenger on compromises, which is the supreme right, there is one law, which must ever be, as it has ever been, a higher law. And they are to become practice, not merely theory. These are earnest days in the life-experiences of our people, and in this Senate, as abroad throughout the land, the most important fact around and about you is not always your law of yesterday, or your tax of to-morrow, or your conscription of a month hence; it is not the vote here or the battle yonder; but it is the spirit of this nation that upholds these things, and out of which they flow—the spirit that buoys you, Senators, into this upper air, and without which or false to which you will sink as empty, collapsed bladders. It is in obedience to such recognition that now you hasten to do that which but lately you refused to do, nay, declared by resolution just repealed that you never would do. These are earnest days, let me repeat it, out of which are coming convictions that will not bear to be trifled with; and as it has become an accepted faith, the idea of nationality, that our being and the being of the nation are one and inseparable for good and for evil, so it will further appear that the existence on which we are entering as a great people is no half life, made up only of the vicissitudes of protection and the exaction of revenues, but must be blended in with those deeper feelings and outlooks and workings that ennoble and make sublime communities of men and entwine enduring hopes with cheering duties.

ration and what of good is left in the land will revolt from such dominion, preferring death to abject disgrace. Human nature cannot stand it. This, then, is the momentous question of our people in the present hour, and how best to return to other ideas of government, and other bases of public administration, challenges all their forethought and endeavor, all their humility and entreaty. And it is because the evil lies deeper than men or offices that it demands such inquest. It is not only that pure men shall be put in office, or that there be pure offices to put them in; but the controlling thought over men and offices must be of that purity which recognizes a tribunal before which no deceit prospereth. Indeed there is no refuge for any nation out of such a low estate but in Despotism to constrain probity, or Christianity to inspire purity; and for democracy, such as ours, where the rule is with the many, the latter is the only safety. And how true is this, as in all things else, is the instinct of peoples; how clearly does the great heart of the multitudes in this day of revolution recognize such dependence, and how sternly is it putting on the armor of Faith for the conflict with corruption, and bowing down before God to search out conformity to His eternal laws! The many are not blinded; but clearly see irrepressible conflict between a nation to be saved and a Government to be damned. Not that the obsolete type of Church and State will be revived in our Republic, not that formalisms of creed and ritual shall be enacted or set up in the stead of departed convictions, but something more and other than all this, in the repudiation of those falsities that are the parlance of cabinets and the resorts of administration, in the absolute reception and enforcement of that impartial justice and brotherhood which makes the true social state, and in the elevation to control and authority in the nation of the same moralities and Christianized public thought, which is over the highest and last appeal among the consciences of men.

Mr. President, it has been endeavored by the foregoing analysis to set forth the three distinctive features which characterize the movement and the time wherein we are called to act or to suffer. If the views which have been advanced be true, if the requirements of faith, and freedom, and nationality be not exaggerated, then it is equally true that no time should be lost in consummating legislation here that shall directly conform to the end at which we must arrive if we are not to perish utterly. We may not rightfully put off for accomplishment three years hence that which beckons as the duty of the hour. Direct dealing with the wrongs of this land must be had by the nation's Congress, regardless of the traditions of local jurisdiction and with absolute shaking off of the foul heathenism of property in man. Under the system of biennial Legislatures, amid the chances of political opposition, in face of disorganized States, a period equal to that during which the war has already existed would have to transpire before you could perfect freedom by any constitutional amendment. The assent of three fourths of the States cannot be sooner had. But the emergency is pressing; the benefit of such invigoration is needed now. Nor is there any other reliance. Senators declare here daily in conference an unwillingness to trust this question to the manipulations of a discordant Cabinet or an indecisive Executive—an Administration dragged into freedom policies and never there through out-spoken conviction. Why hesitate then to act? You cannot doubt the future. It is unwarranted moreover to assume that such an enactment will be frustrated by hostile decisions hereafter. The Supreme Court will do in the future, rest assured, as it has done in the past—will conform to accomplished facts and a clearly delivered public will that shall make immediate ending of slave systems. It is only halting policies here that can justify it in further equivocation, or tempt it to brave annihilation by decreeing that scarce conceivable outrage of the re-enslavement of four million human beings.

But if there is one conclusion more worthy than another to be deduced from a review of the forces that surround us and the needs that impend over us, it is that this is no time for halting policies. Whatever personates torpor or stagnation or reaction must be put aside, whether in the shape of legislation, or administering, or partyism, or thought. And this is not optional but imperative, under the penalty of other contortion and convulsion hereafter. The active regeneration which must take place in the nation, which must mold institutions and reform peoples, must obtain equally in the methods of political procedure as in the conduct of official affairs. The intimate blending which exists between party organism and governmental control, making the one shadow of the other, is such that inasmuch as the vices of the former soon reappear in the latter, so likewise the changes and progressions demanded in administration will have their first and foremost manifesting in the shapings of political association. Thus it is that signs of decay and supersedure in old parties become proof of real advance and conquest in national development and exaltation. Nowhere and at no time has this been more visible than here and now. In no field of human affairs is revolution more palpable than in the partyisms of the age, and yet in no sphere is there so

great an effort to ignore any transformation or recasting—to repel the entrance of truth into politics. Astute leaders of the management—astute at least according to the esteem of their class—go burrowing back into old cheateries for a name, or a disguise, or a platform, and think they have achieved a success when they have issued only a platitude. Vain delusion, to believe that such idle formulas will deceive any; that a crafty guile which substitutes a nomenclature for a principle will have force in this day of the upturning of old forms; that the conventionalisms of political thought will supersede an individuality of judgment and purpose never before so prevalent among all ranks as in this struggle. On the contrary, the shams of the hustings equally with the shams of government must be discarded by those who would approach the people.

Talk not, then, of your Union party, or your Republican party, or your Democratic slavery party; the phrases now are meaningless, have become idle parodies on all earnest effort. As well go masquerading in the clothes of your ancestry. You have a Radical party and a Conservative party, and none other in this nation at this time. That is the line of demarkation along which readjustment is actually taking place, and it is in presence of the real combat, where conflict clears up theory, that you will find the true positioning of the politics of the country. The former marches under the one banner of immediate freedom as essential to assure progress; the other under many flags to preserve sectionalisms, falsify democracy, invite foreign interventions, and betray the hope of the people. The one would grapple to the future and its precious promises by every mode and at all costs; the other would cash now the revolution, and that at a heavy discount, to buy or retain office and power. The one is born of faith, the other is the bastard scion and representative of compromise. One is the advance, the other is the reaction. And here, as in all things else that are to meet solution, absolute truth must prevail; and the effort to substitute unreal issues for the vital problems that touch upon the life wrestle of this nation will ignominiously fail. As you have changed in all other relations, in constitutionalism, in national control, in foreign outlook, in domestic policies, so must you change in partyisms and conform to that which is at issue, not varnish up the dead past.

Without doubt, if truth were paramount it would disclose that the inner thought which burdens here each mind to-day, which gives its own color to speech and action, though carefully concealed from expression, is this: who shall rule this nation for the presidential term next to come? That is the kernel of party, and its importance is manifest in that it is the dominant idea prevalent with yourselves. And rightfully so, for it is charged with the fate of the future. But you cannot compromise your thought here by accepting old solutions for new enigmas. In periods of such turmoil and danger, persons and policies are tried by to-day and to-morrow, not by departed years. Therefore it is that incumbents have no claim, that mediocrity cannot stand for merit, and that unionisms in platform and circular mean nothing, since the electoral dispute in this behalf is not whether there shall be a Union, but what the character of that Union shall be: whether it shall be based on incongruity, social antagonisms, compromise with hostile elements, or whether it shall be rounded into the symmetry of absolute freedom, unified by homogeneous structure, and coercing its public life into strictest veracities, rather than the loose mockeries and half truths of heretofore. In other words, in the separations of to-day, in the struggle for power, in the divisions of opinion, there is only the alternation between a Radical party and a Conservative party, because there is only the alternative between progress and reaction. See this verified in the facts transpiring before your eyes, which you cannot be ignorant of, but perhaps are not solicitous to comment on. To-day your Administration is seeking to connect itself with whatever is conservative in the land to secure a re-election. Its most decided proclamations are either called in question by the President or rendered nugatory by half-hearted execution. Its announced policies are those of amnesty for rebels, war and repulsion for radicals. Its accredited spokesmen are the revilers of what freedom has accomplished, the traducers of all the advance men of this age. If that is to be the Administration of the future, so vouched for and dominated, in what will it differ from a reaction, a compromise, a surrender? Shall we never learn, even in the midst of such experiences? Bethink you how every progress in our national attitude for three years past has come up out of disaster to our arms, has been a torn, reluctant consent only yielded to our desperate misfortunes. Is it a sufficient answer to all that to say "And yet there has been progress at last." Go count the two hundred thousand dead such a method of progress has cost; go visit the mourning firesides that are fitting other sons for new sacrifice under the call for an additional half million of soldiers, and you will learn very surely that, however prompt to sustain the nation in the hour of its peril, loyalty does not indorse that paralysis which has brooded over its effort, and will never, never, never consent to renew that control which has made lethargic civil policies the sure precursor of military miscarriage.

